

REMARKS

The Office action of February 23, 2004 has been received and its contents carefully noted.

Claims 1-23 are pending in the application. Claims 20-23 have been added without the addition of any new matter. Claims 3 and 7 have been amended in accordance with 35 U.S.C. § 112.

Claims 1, 3-4, 6, 8, 10-11, 13, 15, 17, and 19 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Westberg (U.S. Patent No. 6,041,054). Claims 2, 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Galand et al. ("Galand") (U.S. Patent No. 6,317,433). Claims 7, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Johnston et al. ("Johnston") (U.S. Patent No. 5,414, 707). Applicants respectfully traverse these rejections, and request allowance thereof in the continuation prosecution application for the following reasons.

The Claims are Patentable Over the Cited References

Claims 1, 3-4, 6, 8, 10-11, 13, 15, 17, and 19 are not anticipated by Westberg

Claims 1, 3-4, 6, 8, 10-11, 13, 15, 17, and 19 stand rejected under § 102(e) in view of Westberg. Applicants strongly contend that Westberg fails to disclose the features recited in these claims as amended such as a method for transmission of variable sized packets from an upper layer of a stack of communication

protocol layers to a lower layer intended to manage fixed size packets including forming a segmentation and reassembly layer intended to manage SAR packets, each SAR packet being made up of a header obtained in adding delineation information to the header of one of the variable sized packets of the upper layer of the stack, wherein the stack includes at least four layers including the segmentation and reassembly layer, and of a payload which contains the payload of the upper layer packet.

Westberg does not teach nor suggest this patentably distinct feature of the stack of communication protocol layers including four layers. As disclosed throughout Westberg, the stack of Westberg only includes 3 layers, the IP/PPP layer, the AAL layer, and the ATM layer (see FIG. 1; col. 2, lines 38-50). Therefore, Westberg completely omits the recited feature of a communication protocol stack including at least four layers.

Therefore, it is clear that Westberg does not teach nor suggest the recited feature making the claimed invention patentably distinct and non-obvious from this reference.

Claims 2 and 9 are not made obvious by Westberg and Galand

Claims 2 and 9 stand rejected under § 103(a) in view of Westberg and Galand. Applicants strongly contend that both Westberg and Galand, either alone or in combination, fail to disclose the features recited in these claims such as a method for

transmission of variable sized packets from an upper layer of a stack of communication protocol layers to a lower layer intended to manage fixed size packets including forming a segmentation and reassembly layer intended to manage SAR packets, each SAR packet being made up of a header obtained in adding delineation information to the header of one of the variable sized packets of the upper layer of the stack, wherein the stack includes at least four layers including the segmentation and reassembly layer, and of a payload which contains the payload of the upper layer packet.

As mentioned above, Westberg fails to disclose this recited feature as Westberg in contrast only teaches or suggests a communication protocol stack including only three layers. Similarly, Galand makes no mention of this recited feature as Galand solely discloses an ATM Packet switching technique to optimize bandwidth occupation.

Claims 7, 14, and 18 are not made obvious by Westberg and Johnston

Claims 7, 14, and 18 stand rejected under § 103(a) in view of Westberg and Johnston. Applicants strongly contend that Westberg and Johnston, either alone or in combination, fail to disclose the features recited in these claims such as a method for transmission of variable sized packets from an upper layer of a stack of communication protocol layers to a lower layer intended to manage

fixed size packets including forming a segmentation and reassembly layer intended to manage SAR packets, each SAR packet being made up of a header obtained in adding delineation information to the header of one of the variable sized packets of the upper layer of the stack, wherein the stack includes at least four layers including the segmentation and reassembly layer, and of a payload which contains the payload of the upper layer packet.

As mentioned above, Westberg fails to disclose this recited feature as Westberg in contrast only teaches or suggests a communication protocol stack including only three layers. Similarly, Johnston makes no mention of this recited feature as Johnston solely discloses an ISDN processing method and system.

Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Application No. 09/593,522

The Examiner is invited to contact the undersigned at (703)
205-8000 to discuss the application.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

by

Clive Dardine 4/10/35

Michael K. Mutter, #29,680

P.O. Box 747

Falls Church, VA 22040-0747

Phone: (703) 205-8000

MKM/CAG:lab:tm
0054-0212P

Gerdine